

**OFFICIAL****FAK RECEIVED**

SEP 15 1998

**APPLICATION TO WITHDRAW AS ATTORNEY  
OF RECORD****Group 2700****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Application of: Petrocy

Serial No.: 08/807,567

Group Art Unit: 2309

Filed: 02/28/97

Examiner: (not assigned)

For: Self-Addressing Control  
Units and Modular Sign  
Including Plurality of  
Self-Addressing Control Units

---

**APPLICATION TO WITHDRAW AS ATTORNEYS OF RECORD**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, the undersigned attorney of record in the above-captioned patent application, hereby apply to the Commissioner to withdraw as the attorney of record in this application for non-payment of legal fees, as set forth in detail below.

1. Between February 18, 1997 and May 8, 1998, we have rendered substantial legal services including, preparation and filing of the patent application; preparation and filing a response of Notice to File Missing Parts; and preparation and filing of Information Disclosure Statement, with copies of references in connection with Applicant's invention pertaining to Self-Addressing Control Units and Modular Sign Including Plurality of Self-Addressing Control Units, as claimed in the present application.

2. In exchange for the legal work, the Applicant agreed to pay us for our services rendered on its behalf.

3. Between March 21, 1997 and June 3, 1998, we submitted invoices to the Applicant for the legal work and the disbursements incurred in connection therewith.

4. To date, the Applicant has not paid us for all of the legal work we provided, which Applicant promised to pay and has only partially paid us for our services and disbursements. Applicant presently owes a substantial balance for the legal work. In addition we have sent numerous letters to Applicant attempting to collect the outstanding balance, and informing the Applicant that we will withdraw as its attorney if we are not paid.

5. Applicant has made numerous promises to us that further payments will be forthcoming. For example, see our letter dated January 23, 1998 (Appendix A) confirming our telephone conversation wherein he indicated that a number of jobs were finishing up and that he would pay us shortly and our letter dated May 8, 1998 (Appendix B) confirming the receipt of a check and indicating that we need payment by June 1, 1998. However, he has not paid his outstanding balance due to us.

6. We believe that we will be harmed if we were to continue to assume responsibility in any way over this application. Specifically, if this application for withdrawal is not approved, then our professional and ethical obligations as attorneys would force us to expend additional time and resources on behalf of the Applicant in monitoring the status of this application and responding to any and all office actions as they arose. However, we would most likely receive no compensation for any of these efforts.

7. The status of this application is that an Office Action dated June 17, 1998 was sent by the Patent Office. A copy was forwarded to Applicant. A Response is due by September 17, 1998, though extensions of time can be obtained to December 17, 1998. Thus, our withdrawal at this time will not prejudice Applicants position and will afford Applicant sufficient time to seek substitute counsel on a timely basis, and to respond to the Restriction Requirement.

8. Applicant has copies of all documents filed with the Patent Office. Such documents are routinely sent to clients as filed.


9. A copy of this Request for Withdrawal is being sent to the Applicant by the letter attached hereto as Exhibit C.

10. Once the application for our withdrawal is approved, kindly direct all future correspondence regarding this application to the Applicant at his address: 24 Orchard Street, Carteret, New Jersey 07008, and direct all telephone calls to Applicant at his telephone number: 732-969-1484.

In conclusion, in the absence of receiving all of our fees from the Applicant, we do not want to expend any further time on this application or continue to be responsible in any way therefor. For this reason, we earnestly solicit the Commissioner's prompt consideration and approval of this application to withdraw.

Dated: 6/22/98

Respectfully submitted,

  
Michael R. Friscia  
Reg. No. 33,884  
Attorney for Applicant  
FRISCIA & NUSSBAUM  
405 Murray Hill Parkway  
E. Rutherford, N.J. 07073  
Tel. (201) 842-0800  
Fax. (201) 842-0229

p/0415301.277

Appendix A

**FRISCIA & NUSSBAUM**

A Professional Corporation

Attorneys at Law

405 Murray Hill Parkway

East Rutherford, New Jersey 07073

(201) 842-0800

Fax (201) 842-0229

New York address:

42-40 Bell Blvd.

Suite 301

Bayside, NY 11361

(718) 224-5080

Patents, Trademarks  
and Copyrights

January 23, 1998

Mr. Richard Joel Petrocy  
24 Orchard Street  
Carteret, NJ 07008

Re: Our file: 277 - Billing

Dear Joel:

This is to confirm our telephone conversation wherein you indicated that a number of your jobs were finishing up and that you should have money to pay us shortly.

We note that you have previously provided us with a similar update beginning about June 1997. Additionally, you have told us this a number of times thereafter including December 1, 1997, when you paid \$1,000.00, and indicated that you would be paying off your balance shortly thereafter. Almost two months later, we still have not received any additional payment.

This is to inform you that if we do not receive payment by February 28, 1998, which is approximately one (1) year after we performed a majority of services, at which time your balance will have been outstanding for approximately one (1) year, we will have no choice but to withdraw as your attorney in your pending patent applications and we will consider our collections options.

We hope to hear from you soon in a positive manner.

Regards.

Very truly yours,



Michael R. Friscia

jr  
0123bil.277

Appendix B

**FRISCIA & NUSSBAUM**

A Professional Corporation

Attorneys at Law

405 Murray Hill Parkway

East Rutherford, New Jersey 07073

(201) 842-0800

Fax (201) 842-0229

Patents, Trademarks  
and Copyrights

New York address:

42-40 Bell Blvd.

Suite 301

Bayside, NY 11361

(718) 224-5080

May 8, 1998

Mr. Richard Joel Petrocy  
24 Orchard Street  
Carteret, NJ 07008Re: Our files: 277301  
SELF-ADDRESSING CONTROL UNITS AND  
MODULAR SIGN INCLUDING PLURALITY  
OF SELF-ADDRESSING CONTROL UNITS277302  
MODULAR SIGN BOX WITH FRAME

Dear Joel:

Thank you for your check in the amount of \$500.00. As your balance is substantial and has been outstanding for more than one year, we can not change our plans to withdraw as your attorney. We will not file any such papers until June 1, 1998. If we do not receive further payment from you by this date, we will proceed with filing a withdrawal.

Regards.

Very truly yours,

  
Michael R. Friscia

enc. .

cc: Billing File

db

b\0507302.277

Appendix C



**FRISCIA & NUSSBAUM**

A Professional Corporation

Attorneys at Law

405 Murray Hill Parkway

East Rutherford, New Jersey 07073

(201) 842-0800

Fax (201) 842-0229

Patents, Trademarks,  
and CopyrightsNew York address:  
42-40 Bell Blvd.  
Suite 301  
Bayside, NY 11361  
(718) 224-5080

June 22, 1998

Mr. Richard Joel Petrocy  
24 Orchard Street  
Carteret, NJ 07008

Re: Our file: 277301  
Serial No. 08/807,567  
SELF-ADDRESSING CONTROL UNITS AND  
MODULAR SIGN INCLUDING PLURALITY  
OF SELF-ADDRESSING CONTROL UNITS

Dear Joel:

Enclosed please find a copy of the Application to Withdraw as Attorneys of Record, as filed with the United States Patent and Trademark Office on today's date for the above-referenced matter. This means that we will no longer represent you in this matter. We recommend that you obtain a patent attorney to represent you.

Please be advised that a response to the outstanding Office Action is due by September 17, 1998 with extensions available by payment of fees until December 17, 1998.

Regards.

Very truly yours,



Michael R. Friscia

enc.

db  
06223012.277